

By: Perez

H.B. No. 1396

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of pilots in certain ports.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 66.016(b), Transportation Code, is amended to read as follows:

(b) The board may adopt rules to carry out this chapter, including rules for conducting hearings and admitting evidence at the hearings.

SECTION 2. Subchapter B, Chapter 66, Transportation Code, is amended by adding Section 66.0215 to read as follows:

Sec. 66.0215. SUBPOENAS. (a) The board may issue a subpoena to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is in this state.

(b) A subpoena may be served personally or by certified mail.

(c) If a person fails to comply with a subpoena, the board may file suit to enforce the subpoena in a district court in Harris County.

(d) On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may punish a person who fails to obey the court order.

1 (e) The board may delegate the authority granted under
2 Subsection (a) to the secretary of the board.

3 (f) The board shall pay a reasonable fee for photocopies
4 subpoenaed under this section in an amount not to exceed the amount
5 the board may charge for copies of its records.

6 (g) The reimbursement of the expenses of a witness whose
7 attendance is compelled under this section is governed by Section
8 2001.103, Government Code.

9 SECTION 3. Section 66.022, Transportation Code, is amended
10 to read as follows:

11 Sec. 66.022. JUDICIAL REVIEW. (a) Proceedings for
12 judicial review of a board decision shall be brought in a district
13 court in Harris County.

14 (b) Judicial review is by trial de novo.

15 SECTION 4. Section 66.062(c), Transportation Code, is
16 amended to read as follows:

17 (c) The board shall set a hearing date not later than the
18 45th day after the [~~within two weeks of~~] receipt of an application.
19 The board shall begin [~~hold~~] the hearing not earlier than the 20th
20 day and not later than the 60th [~~40th~~] day after the date the board
21 sets the hearing date.

22 SECTION 5. The heading to Section 66.063, Transportation
23 Code, is amended to read as follows:

24 Sec. 66.063. PILOT FINANCIAL REPORT; ADDITIONAL
25 INFORMATION.

26 SECTION 6. Section 66.063, Transportation Code, is amended
27 by amending Subsections (a) and (d) and adding Subsection (a-1) to

1 read as follows:

2 (a) Not later than a date established by the board [~~the 10th~~
3 ~~day before the date set for a pilotage rate hearing~~], the pilots who
4 are licensed or certified to serve the port for which the rates are
5 being considered shall submit in writing to the board and to any
6 party designated by the board complete accounts of:

7 (1) all amounts received from performing pilot
8 services, organized by categories or classifications of rates, if
9 rates are set in that manner;

10 (2) all earnings from capital assets devoted to
11 providing pilot services;

12 (3) all expenses incurred in connection with
13 activities for which amounts described by Subdivisions (1) and (2)
14 were received and earned; and

15 (4) estimates of receipts and expenses anticipated to
16 result from the requested changes in pilotage rates.

17 (a-1) The date established by the board under Subsection (a)
18 may not be later than the 10th day before the date set for a pilotage
19 rate hearing.

20 (d) The board may require from any person relevant
21 additional information it considers necessary to determine a proper
22 pilotage rate.

23 SECTION 7. Section 66.065, Transportation Code, is amended
24 to read as follows:

25 Sec. 66.065. RATE DECISION. (a) Not later than the 60th
26 [~~10th~~] day after the date of the completion of a hearing on an
27 application for a change in pilotage rates, the board shall

1 publicly issue a [~~written~~] decision that:

2 (1) grants or denies the application in whole or in
3 part;

4 (2) states the reasons for the decision; [~~and~~]

5 (3) states each new pilotage rate; and

6 (4) states the effective date for each new pilotage
7 rate.

8 (b) Before the effective date of a new pilotage rate, the
9 board may continue or reopen the hearing at which the rate was
10 decided to reconsider the decision.

11 SECTION 8. Section 66.067, Transportation Code, is amended
12 to read as follows:

13 Sec. 66.067. APPEAL OF BOARD DECISION. (a) Any party
14 aggrieved by a board decision on pilotage rates, after exhausting
15 all administrative remedies, may appeal the order to a court.

16 (b) Judicial review is by trial de novo.

17 SECTION 9. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2017.